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# NC

To negate means “**to deny the truth of**” which implies **a)** since the aff’s burden is to defend an absolute prohibition as per the term “ought not,” then any neg arg that denies such a prohibition would be sufficient to negate, so presume neg since negating has no positive connotation and permissibility negates **b)** that indicting assumptions negates since it denies the fact that the resolution can be true by making it logically incoherent **c)** when you sign the ballot you are saying the better debating was done by the neg, which is only sensical under truth testing so that’s the only paradigm in your jurisdiction. To clarify, any neg argument that denies the truth of the aff is sufficient to negate.

Any rule can be interpreted an infinite number of ways, rendering it impossible to know in the abstract how to truly meet the rule. Social practice and how language is used solves. **Langseth**:[[1]](#footnote-1)

“Over time and in the context of a society, repetition of action becomes a custom, instituted as communal regularity.Rules and rule-following are only possible in the context of a community because **what constitutes correct application is determined by agreement.** “The word ‘agreement’ and the word ‘rule’ are related to one another, they are cousins.” The justification for correctly following a rule is found in agreement and practice, **by acting in such a way that appears in accordance with what is expected** (and such agreement may be reached by either consensus, force or authority). What mental processes occur in an act have no explanatory value in justifying correct rule-following. It was shown in Wittgenstein’s critique of what constitutes correct rule-following that it is possible to follow any number of rules and still act in accordance with expectation, and this may be exactly what we do In this sense: “I (we) obey the rule blindly,” for it is never known, beyond the recognition of agreement and acceptance of action, whether or not we adhere to some strict, set-in-stone, definitive rule; for there is no such thing.Rules are placeholders for an expected path of action. We “catch on” to what is expected because by continued approval of a specific action given a specific rule, we reach the belief that such an action is right or correct.Language is a practice with correct and incorrect usage. Therefore, it is a rule-governed behavior. Prior to Wittgenstein, most philosophers believed that meaning is what justifies correct language use and that it is something which stands outside of ctual practice as arbiter of that practice. For example, Platonists argue that the meanings of words such as “justice,” “good,” and “truth” are defined by some standard independent of experience, by some form “projected,” as it were, into the world of experience. The philosopher need only discover the form of justice, good or truth in order to determine whether use of these terms is correct or not. But Wittgenstein argueslanguage is a tool, an instrument (like a hammer or money), which enables us to get things done. And it is only **in what we do with words**, how they are used as tools, that **we** can **get a sense of what they mean.** The rules that allow effective use of language have been shown to consist of the customary and habitual nature of practice itself. If meaning is said to be what justifies correct language use, then meaning is grounded in practice. Wittgenstein calls attempts to locate meaning in some antecedent, prescriptive formulation “entanglement[s] in our rules.” Such attempts mistake the nature of meaning. Wittgenstein wants to show that philosophical problems rest on this mistaken assumption of the nature of meaning. The error of philosophers, says Wittgenstein, is in their belief that some words such as “truth,” “reality,” “justice” and the “good” have meaning beyond their use in practice. By pointing out this mistake, Wittgenstein wants to cure philosophers of the belief that there are purely philosophical problems. Traditional philosophic questions such as “What is the nature of truth?” or **“What is** the **good?”** etc., **cannot be given an answer resting on anything outside of the practices in which the**se **words are used.** There is **nothing outside of use** that **can justify correct use.** The task ofphilosophy, says Wittgenstein, should turn to investigating how language is used in everyday life, and in this investigation it should be descriptive, not prescriptive. Philosophers have hitherto been entangled in a misunderstanding of the nature of rules by looking for some prescriptive theory with which to compare the use of language in practice – but there is nothing beyond the practice. If philosophers wish to locate the meaning of language, says Wittgenstein, they can only describe the variety of practices in which language is used.”

If the aff posits a rule, be it a moral statement or ROB, they must explain how the rule is socially interpreted to solve for Langseth’s paradox, otherwise we have no way of knowing what it means to violate it. Langseth terminates in a standard of **consistency with international law** since the very concept of international law is something that public colleges, as actors of the state, are obligated to follow – otherwise it would be like writing a rulebook that people aren’t supposed to follow. Thus, the fact the public institutions have an obligation to follow ILaw is necessarily implied by the concept itself. **Searle**:[[2]](#footnote-2)

**Once we** recognize the existence of and begin to **grasp the nature of** such **institutional facts, it is** but **a short step to see that** many forms of **obligations**, commitments, rights, and responsibilities **are** similarly **institutionalized.** It is often a matter of fact that one has certain obligations, commitments, rights, and responsibilities, but it is a matter of institutional, not brute, fact. It is one such institutionalized form of obligation, promising, which I invoked above to derive an "ought" from an "is." I started with a brute fact, that a man uttered certain words, and then invoked the institution in such a way as to generate institutional facts by which we arrived at the institutional fact that the man ought to pay another man five dollars. The whole proof rests on an appeal to the constitutive rule that to make a promise is to undertake an obligation. We are now in a position to see how we can generate an indefinite number of such proofs. **Consider the following** vastly different example. We are in our half of the seventh inning and I have a big lead off second base. The pitcher whirls, fires to the shortstop covering, and **I am** tagged out a good ten feet down the line. The umpire shouts, "Out!" **I**, however, being a positivist, **hold my ground. The umpire tells me to return to the dugout. I point out** to himthat **you can't derive an "ought" from an "is." No** set of descriptive statements describing **matters of fact**, I say, **will entail any evaluative statements** to the effect **that I** should or **ought to leave the field.** "You just can't get orders or recommendations from facts alone." What is needed is an evaluative major premise. I therefore return to and stay on second base (until I am carried off the field). I think everyone feels **my claim**s here to be preposterous, and preposterous in the sense of **[is] logically absurd.** Of course you can derive an "ought" from an "is," and though to actually set out the derivation in this case would be vastly more complicated than in the case of promising, it is in principle no different. **By undertaking to play baseball I have committed myself to the observation of certain constitutive rules.** We are now also in a position to see that the tautology that one ought to keep one's promises is only one of a class of similar tautologies concerning institutionalized forms of obligation. For example, "one ought not to steal" can be taken as saying that to recognize something as someone else's property necessarily involves recognizing his right to dispose of it. This is a constitutive rule of the institution of private property. "One ought not to tell lies" can be taken as saying that to make an assertion necessarily involves undertaking an obligation to speak truthfully. Another constitutive rule. **"One ought to pay one's debts" can be construed as saying that to recognize something as a debt is necessarily to recognize an obligation to pay it.**

Prefer my standard additionally:

**1.** I-Law is the only binding source of ethics for states as it ensures the party states are bound to follow through with their agreements. Rules between the government and its citizens are not truly binding because citizens can’t hold the government as accountable as other states can, since they lack the funds and force necessary to do so. That implies that conflicting rules make debates irresolvable, since there’s no way to weigh between rules that say the same things. Without I-Law morality loses its normative force to guide action.

2. Denying ilaw collapses the meaning of the state since following ILaw is constitutive of being a state. **Nardin**:[[3]](#footnote-3)

Any description of the international system as an association of states that share certain ends is necessarily incomplete. Such an association would not constitute a rule-governed moral or legal order. **What transforms** a number of **powers**, contingently related in terms of shared interests, **into a society proper is** not their agreement to participate in a common enterprise for as long as they desire to participate, but **their** participation in and implicit **recognition of** the practices, procedures, and other rules of international law **that** compose international society. The **rules of i**nternational **law**, in other words, **are** not merely regulatory but **constitutive: they** not only **create a normative order among separate political communities** but **[and] define the status**, rights, and duties **of these communities** within this normative order. In international society **'states' are constituted** as such **within** the practice of **i**nternational **law; 'statehood' is a position** or role that is **defined by** international law, not independent of it.”

This outweighs on actor specificity – the resolution questions the obligation of a state, but Nardin says that we cannot know what states are if my framework is untrue.

**3.** When states agree to a contract, they have expectations about what state of affairs they want to come about. If this weren’t the case, then the only way to derive purely empirical value would be to appeal to a teleology inherent to all states of affairs because you could not derive value from the preferences of each agent. But that would mean it’d be impossible to affirm because the teleological standard that brought about the contract would be the only standard to determine that the legitimacy of that contract, meaning that contract would be definitionally obligatory.

Further, I-Law is already established as possible and plausible since states already have chosen to implement it, so defaulting to I-Law is most realistic. If the framework debate is uncertain, this means use the neg’s.

Negate:

Restrictions on speech are necessary and supported by ILaw, multiple agreements confirm. **Bell**:[[4]](#footnote-4)

The approach taken by countries around the world to place **restrictions on** racist **speech is** also **reflected in** the European Convention for the Protection of Human Rights and Fundamental Freedoms, the **International Covenant on Civil and Political Rights**, **and** the **I**nternational **C**onvention on the **E**limination of **A**ll **F**orms of **R**acial **D**iscrimination. **These** human rights **instruments, though they explicitly protect freedom of expression,** also recognize the link between hate speech and discrimination and **allow significant restrictions on hate speech**.106 Article 20(2) of the **I**nternational **C**ovenant on **C**ivil and **P**olitical **R**ights **states that “any** advocacy of national, racial or religious **hatred that constitutes** incitement to **discrimination**, hostility **or violence shall be prohibited** by law.”107 Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination requires governments to outlaw all dissemination of ideas based on racial superiority or hatred. It also requires them to prohibit all organizations which promote and incite racial discrimination.

Outweighs: A. I account for the aff but still negate since freedom of speech is allowed in most cases but not all, that negates since the aff defends restrictions on any type of speech B. Consensus by multiple agreements proves this is the most accurate way of measuring what ILaw says.

# Theory Takeouts

## Langseth

Extend Langseth 1 and 2, that rules are always infinitely interpretable, and you can never be sure of the correct way of interpreting one. Theory is definitionally a rule – it says that debaters must act by whatever the interpretation says. The analytic underneath Langseth 2 says they have to explain how theory solves for this, [explain why they don’t/why responses insufficient] but their response doesn’t prove that. That means theory goes away and the only thing left to evaluate is my framework.

## Truth Testing Extension

Your practical disadvantages with truth testing aren’t competitive with my argument, so there’s no impact to them – extend that it’s the only paradigm consistent with the judge’s jurisdiction. That means it’s the only one that’s possible for them to use regardless of however it’s bad, and even if they use another one, my argument is that judges should stick to what is within their jurisdiction.

### ROB Weighing

My role of the ballot is truth testing, which outweighs alternate ROBs:

1. Jurisdiction: your rob presumes the jurisdictional ability to evaluate it in the first place, but the best way to fulfill that ability is through judge’s truth testing, which is the only rob that textually meets the res.
2. All statements posit that something is true or false, conceding to the ultimate importance of truth and falsity, means that all ROBs collapse to mine.
3. Ground: I include the most arguments – literally nothing is excluded, whereas yours arbitrarily permits and excludes certain arguments we make.

### Theory Weighing

Outweighs theory:

1. Theory doesn’t prove the truth or falsity of the res, but rather whether an action was abusive, or whether my actions might have affected the ability to determine the truth of my arguments, but those things aren’t relevant in proving the resolution’s truth.
2. ROB determines the ultimate obligation of the judge and why we’re debating, so we don’t even care about theory’s function unless we have the rob to contextualize theory. Searle especially proves this case – when we come into any activity, we have to follow its constitutive rules.

# 1AR K Frontlines

## Extension

1. Extend Langseth, takes out your role of the ballot since your ROB is a rule for how our debates should carry their debate. Means the rest of your K is irrelevant since it all links into the ROB
2. Searle says the social practices you deem acceptable can only be interpreted via laws, so that means that ilaw comes first since it frames your K, since social practices determine what kind of arguments are ok to make

## AT Colonialism K

Overview:

1. [Read FW Extension Above]

2. The UN proves that I-Law is crucial in preventing violence, especially in states which have little ability to protect themselves. **Yasuaki**:[[5]](#footnote-5)

The UN collective security system is certainly an important mech- anism for regulating and controlling armed conflicts and for sustaining and realizing the international legal norm on the prohibition of the use of force. Most acts that are determined by the Security Council to be a threat to or breach of peace constitute violations of international law prohibiting the use of force by States. The UN col- lective security system is a valuable global institution that is backed by its globally perceived legitimacy and the substantive power of the permanent members of the UNSC.

3. Extend the UN 2 from the contention – that proves that even powerless countries have agreed to these accords, means they should abide by the aff.

4. You have to weigh the tradeoff between a historically colonialist group and a dictate that housing is a right for everyone – it’s intuitively true that housing should be a right.

### Link

1. No link: I don’t defend the past consequences of ilaw, only its current descriptive state
2. Turn: ilaw ensures that developing nations aren’t arbitrarily excluded from decision making processes since at least they have a say – they can form blocs in the UN and challenge powerful nations
3. You link: your authors are all westerners, they all fall into the same category of people who have supported ilaw in the past and who you criticize.

### Alt

1. Turn: This does nothing to change our mindsets about ilaw and international relations
2. Untrue, ilaw has helped people who are at the mercy of the nations with power. The South China Sea is an example

# Contention Frontlines

## AT Not Binding

States that violate ilaw don’t disprove my argument of rule-following being a constitutive features of states; they’re merely defective. **Nardin**:[[6]](#footnote-6)

society. Frost is therefore right to argue that the idea of authority is crucial to the practice-purpose distinction. For, as he suggests, the rules of practical association are constitutive not only of the states system but of states. **Statehood is** itself a status **constituted by i**nternational **law**. And **international society is** not **an aggregate of** separate communities but itself a community: a community of **communities tied together by its constitutive practices**, including those defining the attributes of statehood. **States that deny the authority of international law** 'are not simply optingout of an instrumental association which no longer suits their purposes. Rather they **are undercutting their claim to be a state** properly so called at all'.14 To put the point bluntly, **states** that repudiate the authority of international law remove themselves from international society, which is the closest that the international system can approach to a civil order, and **withdraw into barbarism.**

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2. Searle, John R. "How to Derive "Ought" from "Is"". <http://commonsenseatheism.com/wp-content/uploads/2010/03/Searle-How-to-Derive-Ought-from-Is.pdf>. [↑](#footnote-ref-2)
3. Terry Nardin, “International Ethics and International Law”. Review of International Studies, Vol. 18, No. 1 (Jan., 1992), pp. 19-30, published by Cambridge University Press [↑](#footnote-ref-3)
4. Bell, Jeannine. "Restraining the Heartless: Racist Speech and Minority Rights." Indiana Law Journal 84.3 (2009). CS [↑](#footnote-ref-4)
5. Yasuaki, Onuma. “Power and Legitimacy in International Law.” [↑](#footnote-ref-5)
6. [Terry Nardin , “International Ethics and International Law”. Review of International Studies, Vol. 18, No. 1 (Jan., 1992), pp. 19-30.] [↑](#footnote-ref-6)